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09/805,534	03/13/2001	Brian M. Siegel	SONY 3.0-026	2120
530	7590	07/20/2006	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			LEROUX, ETIENNE PIERRE	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 07/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/805,534

Applicant(s)

SIEGEL ET AL.

Examiner

Etienne P LeRoux

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-9,12 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-9,12 and 14-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

*Claim Status*

Claims 1, 2, 4-9, 12 and 14-20 are pending; claims 3, 10, 11 and 13 have been canceled. Claims 1, 2, 4-9, 12 and 14-20 are rejected as detailed below.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 6, 12 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by US Pat No 6,321,236 issued to Zollinger et al (hereafter Zollinger).

Claims 1, 6, 12 and 15:

Zollinger discloses:

associating a first code with a first characteristic of a product and a second code with a second characteristic of the same product [parts database, col 7, lines 34-40, price information, col 1, line 63]

storing a first characteristic value associated with the first characteristic and a second characteristic value associated with the second characteristic [parts database, col 7, lines 34-40, price information, col 1, line 63]

associating an identity of a first entity with at least one of the first or second codes including setting one or more update values indicating whether the first entity is authorized to receive changes relating to the first or second characteristic values associated with the first or second code [profile database 56, Fig 1, col 8, lines 15-30, col 12, lines 15-30, col 4, lines 5-15],

changing at least one of the characteristic values to produce a changed characteristic value [col 6, lines 30-45],

retrieving the identity of the first entity based on the changed characteristic value [differencing engine 30, Fig 1, col 6, lines 60-67]

determining whether the first entity is authorized to be sent the changed characteristic value based on one of the one or more distinct update values [profile database 56, Fig 1, col 8, lines 15-30, col 12, lines 15-30, col 4, lines 5-15]

sending the changed characteristic value to the first entity based on the determination [profile database 56, Fig 1, col 8, lines 15-30, col 12, lines 15-30, col 4, lines 5-15]

a processor, data and instructions executable by the processor [server synchronizer 46, Fig 1]

Claim 2:

Zollinger discloses associating the identity of a second entity with the same code as that associated with the first entity, retrieving the identity of the second entity based on the code associated with the characteristic having the changed value, and sending the

changed value to the second entity profile database 56, Fig 1, col 8, lines 15-30, col 12, lines 15-30, col 4, lines 5-15]

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 4, 5, 7-9, 14 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zollinger in view of US Pat No 5,913,210 issued to Call (hereafter Call).

**Claim 4:**

Zollinger discloses the elements of claim 1 as noted above but does not disclose sending the changed characteristic value by email. Call discloses sending the changed characteristic value by email [col 4, lines 44-52 and col 7, lines 7-10]. It would have

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been obvious to one of ordinary skill in the art at the time the invention was made to modify Zollinger to include sending the changed characteristic value by email as taught by Call for the purpose of using an electronic means of communication.

Claim 5:

The combination of Zollinger and Call discloses the elements of claims 1 and 4 as noted above and furthermore, discloses retrieving the electronic address of the first entity [Call, col 4, lines 10-26]

Claim 7:

The combination of Zollinger and Call discloses the elements of claim 6 as noted above and furthermore, discloses wherein the modified information is transmitted over a network and the first entity is a computer on the network [Call, Fig 1, items 120 and 103]

Claim 8:

The combination of Zollinger and Call discloses the elements of claims 6 and 7 as noted above and furthermore, discloses wherein the network is the Internet [Call, col 2, lines 28-33]

Claim 9:

The combination of Zollinger and Call discloses the elements of claim 6 as noted above and furthermore, discloses wherein the product is a service [Call, col 2, lines 33-47]

Claim 14:

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The combination of Zollinger and Call discloses the elements of claim 12 as noted above and furthermore, discloses wherein the means for sending the changed value comprises means for sending the value by email [Call, col 7, lines 7-30].

Claim 16:

The combination of Zollinger and Call discloses the elements of claim 15 as noted above and furthermore, discloses wherein the system comprises a server connected to a network and the first entity comprises another server on the network [Call, col 3, line 60 through col 4, line 10]

Claim 17:

The combination of Zollinger and Call discloses the elements of claim 15 as noted above and furthermore, discloses wherein the system comprises a server connected to a network, the data is maintained by a seller, and the first entity is a buyer of the product from the seller [Call, Fig 1 and abstract].

Claim 18:

The combination of Zollinger and Call discloses the elements of claim 15 as noted above and furthermore, discloses wherein the product is a service [Call, col 2, lines 33-47]

Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zollinger in view of US Pat No 6,185,601 issued to Wolff (hereafter Wolff).

Claims 19 and 20:

Zollinger discloses the elements of claim 1 as noted above but does not disclose wherein the distinct update values comprise a Boolean value indicating whether the first entity is automatically authorized to receive changes relating to the first or second characteristic values. Wolff discloses wherein the distinct update values comprise a Boolean value indicating whether the first entity is automatically authorized to receive changes relating to the first or second characteristic values [Fig 13B]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Zollinger to include wherein the distinct update values comprise a Boolean value indicating whether the first entity is automatically authorized to receive changes relating to the first or second characteristic values as taught by Wolff for the purpose of maintaining integrity of the database system.

### ***Response to Arguments***

Applicant's arguments filed 6/15/2006 have been fully considered but they are not persuasive for the reasons given below.

#### **Applicant Argues:**

Applicant states on page 9, that Zollinger does not disclose “retrieving the identity of the first entity based on the changed characteristic value.”

#### **Examiner Responds:**

Examiner is not persuaded. MPEP § 2106 requires Office personnel to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Examiner notes that Applicant **fails**



(emphasis added) to point to the specification for interpretation of the language of the above claim limitation. Examiner, therefore, as best as possible will attempt to interpret the claim language with respect the specification.

Summary of Invention Paragraph:

[0010] Yet another system provides a processor, data and instructions executable by the processor, such that the instructions include: associating a first code with a first characteristic of a product and a second code with a second characteristic of the same product; storing a first characteristic value associated with the first characteristic and a second characteristic value associated with the second characteristic; associating the identity of a first entity with at least one of the codes; changing at least one of the characteristic values; retrieving the identity of the first entity based on the association with the code associated with the characteristic with the changed value; sending the changed value to the first entity.

Applicant fails to disclose how the “code” is associated with the first entity.

Furthermore, Applicant fails to disclose how the “code” identifies a first entity. The meaning of “characteristic value” is also unclear from the specification.

Applicant fails to provide support for the language of the above claim limitation and thus examiner consults a common dictionary.<sup>1</sup> Code is defined as “program instructions.”

Interpreting code as programming instructions makes the claim limitation difficult to understand. In particular, it is unclear how the identity of the first entity is associated with “program instructions.”

Examiner will thus interpret “retrieving the identity of the first entity based on the changed characteristic value” as below.

Zollinger in column 8, lines 56-59 discloses “the client may simply identify itself and all such information may be stored in the corresponding client entry of the profile database 56 that

may be accessed by the server synchronizer component 46.” Per the above, it can be seen that Zollinger discloses information is stored on the basis of a customer identification. Such customer identification reads on the claimed “identity of a first entity.”

Zollinger discloses the following in column 8, lines 60-67:

In either case, the server synchronizer component 46 will know or be able to ascertain the status of the client copy of the database table in order to determine which updates of the series of updates 38 need to be applied to that table in order to make it current. The server synchronizer component 46 will also be able to deliver the information that the translator component 60 will need in order to translate the table differences 40 from a generic format to the correct format or instructions for the type of database engine on the particular client requesting synchronization.

Zollinger discloses per the above that the server is able to identify a client and ascertain the status of the client copy of the database table. The server is able to determine which updates to apply to the client table. Examiner interprets the claimed “changed characteristic value” as updates which are applied to the client table per the above disclosure by Zollinger.

**Applicant Argues:**

Applicant states in the second paragraph of page 9 that Zollinger does not disclose “identifying a first entity based upon the modified product information.”

**Examiner Responds:**

Examiner is not persuaded. Zollinger discloses the following in column 7, lines 33-40:

One example of an intermittent connection environment would be the servicing example explained previously. In that environment, a parts database is centrally managed and updated but is used by field service representatives having laptop computers (i.e., clients). The field service representatives will only intermittently connect with the home office

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<sup>1</sup> Microsoft Computer Dictionary, Fifth Edition

server computer on a periodic and often random basis ranging from a couple of times per day to weekly or even less frequently.

Clearly Zollinger discloses product information.

**Applicant Argues:**

Applicant states in the second paragraph of page 9 that Zollinger does not disclose the claim limitation “means for retrieving the identity of the first vendor based on the changed characteristic value” per claim 12.

**Examiner Responds:**

Examiner is not persuaded. Applicant is referred to above responses by examiner.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

*Contact Information*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached Monday through Friday between 8:00 am and 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Etienne LeRoux

7/18/2006

*EP LeRoux*

*Primary Examiner*